THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 7068 of 2007

09-04-2007

Between:-

G. Anasuyamma and another.

Petitioners

And

The District Collector, Guntur district and three others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No.7068 of 2007

Oral order:

The writ petition is wholly and utterly misconceived and the grievance urged in this writ petition is a figment of the fertile imagination of the petitioners.

An extent of Ac.2-93 ¾ cents of agricultural land in survey No.67 in Kommuru village, Kakumanu mandal, Guntur district was acquired for providing houses for weaker sections. The fourth respondent appears to have given consent for the acquisition. The petitioners claim to be the unmarried sisters of the fourth respondent and to having a share in this property, which is claimed to be the ancestral property in the hands of their father –the late Sri Hanumantha Rao.

On 09-02-2007 the petitioners lodged a claim

before the second respondent—Land Acquisition Officer *inter alia* asserting their entitlement to a portion of the compensation for the acquired land. Since the petitioners assert a claim to the ownership of the land acquired by the State and now to a part of the compensation amount and since the petitioners have also (in their objections lodged on

09-02-2007) impeached the right of the fourth respondent to have given consent for acquisition of the land or to the price at which the compensation could be determined, the second respondent is obliged to consider and record a decision on the claims and if the second respondent refers the matter to the civil Court under Section 30 of the Land Acquisition Act, 1894, the civil Court comes to a conclusion that the petitioners have an interest in the land, since the petitioners have not given consent for the value of the land, the market value will have to be determined in accordance with law. If the petitioners are found to be entitled to the whole or part of the land in question, the petitioners would be entitled to the compensation amount or the *protanto* amount of compensation, in accordance with their entitlement. No award has yet been passed. The petitioners apprehend that the second respondent would award compensation exclusively to the fourth respondent. There is no basis either in fact or rumor for this apprehension of the petitioners.

For the aforesaid reasons, the writ petition is

misconceived and is accordingly dismissed at the stage of admission. No costs.

GODA RAGHURAM, J

Dated:09-04-2007
Pvks/*